

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD JACKSON,	)	
	)	
Plaintiff,	)	8:06CV715
	)	
v.	)	
	)	
ST. JAMES MANOR APTS., BILL	)	MEMORANDUM AND ORDER
LANG, Manager, DEB LANG,	)	
Asst. Manager, and WAYNE	)	
KOHL, Security,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff has sent a letter to the court which has been filed as a motion, requesting the name of the defendant "Wayne Kohl" be changed to "Martin Kohl." I shall grant the motion. However, in order to change defendants, the plaintiff must file an Amended Complaint naming the correct party defendant and clearly stating what actions the new defendant took which allegedly violated the plaintiff's rights. Once that is done, I shall direct the Clerk to issue a summons for service by the United States Marshal Service on the newly named defendant. It is plaintiff's responsibility to ensure the United States Marshal Service has a proper address for service.

The addition of a new defendant will require a delay in the parties' obligations to "meet and confer" as prescribed in Rule 26(f) of the Federal Rules of Civil Procedure. I shall therefore amend my order of April 18, 2007 to allow time for service of process and the appearance of counsel for the newly added defendant.

Plaintiff has also filed a "Motion for Protective Order," seeking an order preventing harassment of his witnesses. Rule 26(c) of the Federal Rules of Civil Procedure permits the court to issue a protective order for "good cause shown." Plaintiff has not put forth any evidence that his witnesses--who are not named--have been subjected to any such harassment or retaliation for agreeing to testify in this case. Indeed, such harassment could be "obstruction of justice" or "witness tampering," both criminal offenses, see 18 U.S.C. 1503; 18 U.S.C. 1512; and/or subornation of perjury, also a criminal offense. 18 U.S.C. 1622. All of those offenses are felonies. Plaintiff has made no showing that anyone has taken any such actions, nor that anyone has threatened any such actions. He has therefore failed to show "good cause" for the issuance of a protective order.

IT THEREFORE HEREBY IS ORDERED:

1. Plaintiff's motion for substitution of defendant, filing 10, is granted, and plaintiff may file, within 20 days, an amended complaint naming "Martin Kohl" as a defendant in substitution for "Wayne Kohl." Plaintiff shall, in addition, provide to the United States Marshal Service the proper address for service upon the newly named defendant.
2. Upon the filing of the amended complaint, the Clerk shall issue summons to plaintiff for service upon the newly named defendant.
3. The United States Marshal Service shall serve the summons and make return in accordance with law.
4. Plaintiff's motion for protective order, filing 12, is denied.
5. The court's order of April 18, 2007, filing 13, is amended to require that the parties' planning report be filed on or before June 25, 2007.

DATED this 19<sup>th</sup> day of April, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge